

### REMARKS

Claims 15-28 remain in the referenced application. Claims 1-14 have been canceled. Claim 15 has been amended.

Claims 15-28 stand rejected under 35 U.S.C. §103(a) by Chesnut (U.S. Patent No. 4,823,556). Responsive thereto, Applicant has amended claim 15 to more clearly define the sensor units of the claimed invention. Particularly, claim 15 now recites monitoring sensor units positioned at different sides of the frozen cooling fluid bank. Applicant accordingly respectfully submits Chesnut does not render claims 15-28 obvious because Chesnut does not disclose multiple sensor units positioned at different sides of a frozen cooling fluid bank.

Chesnut discloses an electronic ice bank control including probes 5-8, with the probe 6 being a ground probe. An alternating current supply 12 delivers current to the probes 5, 7, and 8, thereby permitting resistance measurements. The resistance between the probe 7 and the ground probe 6 and between the probe 8 and the ground probe 6 is variable, whereas the resistance between the probe 5 and the ground probe 6 is a fixed reference resistance representing a liquid reading. Consequently, the resistance between the probe 7 and the ground probe 6 and between the probe 8 and the ground probe 6 is measured and compared to the fixed reference resistance. A resistance substantially similar to the fixed reference resistance indicates liquid, and a resistance different from the fixed reference resistance indicates ice. When the resistance between the probe 8 and the ground probe 6 indicates a liquid, the electronic ice bank control activates a refrigeration system until the resistance between the probe 7 and the ground probe 6 indicates ice. The probe 8 resides interior to the probe 7 and, along with the probes 5 and 6, provides an indication of when the ice bank reaches a low level requiring the activation of the refrigeration system. The probe 7 resides exterior to the probe 8 and, along with the probes 5 and 6, provides an indication of when the ice bank reaches a high level requiring the deactivation of the refrigeration system. The probes 5-8 are therefore only a "single sensor unit" that provides an indication of ice bank thickness at one side of the ice bank. Applicant accordingly respectfully submits Chesnut does

not anticipate claims 15-28 as amended because the probes 5-8 are only one sensor unit positioned at one side of the ice bank and thus do not read on Applicant's claimed invention of monitoring sensor units positioned at different sides of the frozen cooling fluid bank.

The prior art made of record has been reviewed by Applicant and is deemed not to anticipate nor render obvious the claimed invention.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejected claims and further earnestly solicits early allowance of the application.

Respectfully submitted,

LAW OFFICES OF CHRISTOPHER L. MAKAY  
1634 Milam Building  
115 East Travis Street  
San Antonio, Texas 78205  
(210) 472-3535

DATE: 9 August 2004

BY: 

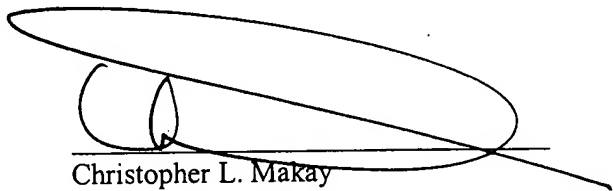
Christopher L. Makay  
Reg. No. 34,475

ATTORNEY FOR APPLICANT

CERTIFICATE OF TRANSMITTAL

I hereby certify that this correspondence was faxed on the date indicated below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at fax number (703) 308-7764 for the attention of Examiner Mohammad Ali.

Date: 9 August 2004

  
Christopher L. Makay

## JOURNAL

Aug. 09 2004 01:56PM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT	*CODE
01	2088387 2088507	Aug. 05 12:43PM	01'09	TX	00	COMMUNICATION ERROR	(43)
02	Momsen	Aug. 05 12:52PM	02'39	TX	05	OK	
03	0141 221 7739	Aug. 05 01:04PM	02'44	TX	05	OK	
04	0142675629	Aug. 05 01:10PM	03'07	TX	05	OK	
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06	ELZABURU	Aug. 05 01:21PM	02'43	TX	05	OK	
07	2088387 2088507	Aug. 05 01:30PM	01'12	TX	00	COMMUNICATION ERROR	(43)
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10	52088387	Aug. 05 01:59PM	01'12	TX	00	COMMUNICATION ERROR	(43)
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14	2106414105	Aug. 05 02:10PM	00'59	TX	01	OK	
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16	2088387 2088507	Aug. 05 02:26PM	01'12	TX	00	COMMUNICATION ERROR	(43)
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18	011525552088507	Aug. 05 02:36PM	00'06	TX	00	PRESSED THE STOP KEY	
19	52088387	Aug. 05 02:41PM	01'12	TX	00	COMMUNICATION ERROR	(43)
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22	52088387	Aug. 05 03:39PM	01'12	TX	00	COMMUNICATION ERROR	(43)
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24	+ 39 06 69544810	Aug. 06 03:51AM	01'09	RX	01	OK	
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30	Phillips Ormonde & F	Aug. 09 01:27AM	01'06	RX	01	OK	
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32	Momsen	Aug. 09 08:36AM	05'55	RX	04	OK	
33	FAX	Aug. 09 09:04AM	02'00	RX	01	OK	
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35	703 308 4741	Aug. 09 01:52PM	03'45	TX	06	OK	

\*CODE = FOR SERVICE CENTER USE ONLY

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LAW OFFICES OF  
CHRISTOPHER L. MAKAY

1634 Milam Building  
115 East Travis Street  
San Antonio, Texas 78205  
Phone: (210) 472-3535/ Fax: (210) 472-3311

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COMPANY: USPTO

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FAX NO: (703) 308-7764

FROM: Chris Makay

PAGES WITH COVER SHEET: 6

MESSAGE

Dear Examiner Ali:

Enclosed is Amendment "B" as per our telephone conference. If you have any questions, please give me a call.

Sincerely,

